

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA )

v. )

) Criminal No. 09-292

STEPHEN SIMS (a/k/a millardmyname) )  
FRED WOOLUM (a/k/a sebastian00805) )  
PATRICK CARNEY (a/k/a mehaole) )  
PAUL SCHWARTZ (a/k/a/ faceshot63) )  
DANIEL COX (a/k/a danp3857) )  
BRANDON MILLER (a/k/a vx110) )  
RYAN CHILES (a/k/a halosky) )  
DAVE DEAN (a/k/a mrtinkertrain) )

**FILED**

NOV 17 2009

CLERK U.S. DISTRICT COURT  
WEST. DIST. OF PENNSYLVANIA

SUPERSEDING INDICTMENT MEMORANDUM

AND NOW comes the United States of America, by its attorneys, Mary Beth Buchanan, United States Attorney for the Western District of Pennsylvania, and Craig W. Haller, Assistant United States Attorney for said District, and submits this Superseding Indictment Memorandum to the Court:

I. THE SUPERSEDING INDICTMENT

A Federal Grand Jury returned a two-count Superseding Indictment against the above-named defendants for alleged violations of federal law:

| <u>COUNT</u> | <u>OFFENSE/DATE</u>   | <u>TITLE/SECTION</u>      |
|--------------|---|---------------------------|
| 1            | Child Exploitation Enterprise<br>from on or about January 1, 2007, to<br>on or about September 22, 2009                             | 18 U.S.C.<br>§ 2252A(g)   |
| 2            | Conspiracy to Distribute and Receive<br>Child Pornography from on or about<br>January 1, 2007, to on or about<br>September 22, 2009 | 18 U.S.C.<br>§ 2252(b)(1) |

**II. ELEMENTS OF THE OFFENSES**

**A. As to Count 1:**

For the crime of Child Exploitation Enterprise, in violation of Title 18, United States Code, Section 2252A(g), to be established, the United States must prove all of the following elements beyond a reasonable doubt:

1. The defendant violated Chapter 110 of Title 18 of the United States Code (except for Sections 2257 and 2257A) as a part of a series of felony violations constituting three or more separate incidents.

Title 18, United States Code,  
Section 2252A(g)

2. The series of felony violations involved more than one victim.

Title 18, United States Code,  
Section 2252A(g)

3. The defendant committed the violations in concert with three or more other persons.

Title 18, United States Code,  
Section 2252A(g)

**B. As to Count 2:**

For the crime of Conspiracy to Distribute and Receive Child Pornography, in violation of Title 18, United States Code, Section 2252(b)(1), to be established, the United States must prove all of the following elements beyond a reasonable doubt:

1. That two or more persons agreed to distribute and/or receive child pornography.

Title 18, United States Code,  
Section 2252(b)(1)

2. That the defendant was a party to or member of that agreement.

Title 18, United States Code,  
Section 2252(b)(1)

3. That the defendant joined the agreement or conspiracy knowing of its objectives to distribute and/or receive child pornography and intending to join together with at least one other alleged conspirator to achieve those objectives; that is, that the defendant and at least one other alleged conspirator shared a unity of purpose and the intent to achieve those objectives.

Title 18, United States Code, Section 2252(b)(1)

### III. PENALTIES

A. As to Count 1: Child Exploitation Enterprise (18 U.S.C. § 2252A(g)):

1. Imprisonment of not less than twenty (20) years and up to life imprisonment (18 U.S.C. § 2252A(g))
2. A fine of \$250,000.00 (18 U.S.C. § 3571(b)(3))
3. A term of supervised release of at least five years and up to life (18 U.S.C. § 3583(k))

B. As to Count 2: Conspiracy to Distribute and Receive Child Pornography (18 U.S.C. § 2252(b)(1)):

1. Imprisonment of not less than five (5) years and not more than twenty (20) years, but if the defendant has a prior conviction under Title 18, United States Code, Chapter 110, Chapter 71, Chapter 109A, Chapter 117, or under section 920 of title 10, or under the laws of any state relating to aggravated sexual abuse, sexual abuse, or abusive sexual conduct involving a minor or ward, or the production, possession, receipt, mailing, sale, distribution, shipment, or transportation of child pornography, such person shall be fined under this title and imprisoned not less than 15 years nor more than 40 years (18 U.S.C. § 2252(b)(1))

2. A fine of \$250,000.00 (18 U.S.C. § 3571(b)(3))

3. A term of supervised release of at least five years and up to life (18 U.S.C. § 3583(k))

**IV. MANDATORY SPECIAL ASSESSMENT**

A mandatory special assessment of \$100.00 must be imposed at each count upon which the defendant is convicted, pursuant to 18 U.S.C. § 3013.

**V. RESTITUTION**

Mandatory under 18 U.S.C. § 2259.

VI. FORFEITURE

As set forth in the Superseding Indictment, this case may involve forfeiture of the defendant's interest in certain assets.

Respectfully submitted,

ROBERT S. CESSAR  
Acting United States Attorney

Craig W. Haller  
CRAIG W. HALLER  
Assistant U.S. Attorney  
PA ID No. 87714